

*An Appeal of Murther from certain unjust Judges, lately sitting at the Old Baily, to the righteous Judge of Heaven and Earth; and to all sensible English-men, containing a Relation of the Tryal, Behaviour, and Death of Mr. William Anderton, Executed June 16. 1693. at Tyburn, for pretended High-Treason.*

**W**ere all Men truly Good, publick Laws would be of little or no use. For all political Laws are the *good Daughter* of a *bad Mother*, as being preventionally or occasionally the Off-spring of ill Manners; but without them there is no Living in any Comfort or Security: hence all civilized Nations have ever gloried in their Laws, as their Honour and Safety, and heretofore none more than the *English*, and perhaps none with greater reason; for it may be a difficult Task for a well-read Historian to find out a Kingdom under the Cope of Heaven, where the Lives, Liberties, and Properties of Subjects are more cautiously and critically secured; but especially in case of *Life* (the Foundation of all humane Blessings) wherein no Conjectures or Presumptions are allowed, but the Law requires at least two credible and positive Witnesses, and if any thing be doubtful or controverted, always judgeth in *favorem vite*, and makes even the *Judge* himself of *Council* to the *Prisoner*, that he may by no means miscarry through any Error, Ignorance, Passion, or Inadvertency. But after all, the Law is a dead Letter, and cannot execute it self; and when it so happens, that the Laws, which were made against *Offences*, are seized by the *Offenders*, and turned against those whom they were designed to protect, the Sins of any Nation can scarce draw upon them a more heavy Curse and Judgment: For then the Sheep are daily dragg'd to tryal before the Wolf, and nothing but Villany is maintain'd, en-

A

couraged,

couraged, and promoted; and an honest Man had a thousand times better fall into the hands of a *Confederacy of High-way-men*, who will rob and dispatch him with some kind of Generosity, than under the clutches of a *corrupt Minister of Law*, who after a swinging mortification in a nasty Prison, shall at length in a great deal of state, with mighty formality, and tedious ceremony, proudly doom him to death, and all under colour and pretence of those Laws, which, if they could speak for themselves, would *acquit the Prisoner and hang the Judge*; and whether the following case be not a fresh and lamentable Instance of something too like this, I shall leave wholly to the Readers Judgment, after an impartial Perusal.

Mr. *William Anderton* knowing himself to be mortally, though causelessly hated, by some Persons, had absconded of late for a considerable time, as it has been the hard fortune of divers great and good Men to do in these difficult times; but being by a parcel of false Villains betrayed to Mr. *Robert Stephens*, Messenger of the Press, and his sworn Enemy, he was apprehended on the second of May this present 1693. and *Stephens* ( whole Malice much outweighs his Brains ) not content with his Person, plainly plundered the House, carrying away Goods to a considerable Value, which there was no colour of Law for him or any Man else to seize; and this I suppose might be one great motive, to make him swear so desperately at the Tryal, that he might take away a Man's Life, who otherwise might come upon him for Robbing him of his Goods; the Booty secured, away he goes, in triumph with his Prisoner, to my Lord Chief Justice *Holt*, where he railed against him in a very indecent manner; the Judge was very calm, and said very little to the matter, but, upon the accusation, committed Mr. *Anderton* to *Newgate*, not for *High Treason* as is falsely alledged, by that Lying Pamphleteer, *licensed according to Order*, who published that malicious Account of his *Conversation, Behaviour and Execution* which was cryed about Streets immediately after his death; That Judge knew the Law better, and I believe is not in himself so very forward

ward to overstrain it. Whilst he thus stood committed for Misdemeanour, he was bailable ; and accordingly very sufficient Bail was offered for him ; but *Aaron Smith*, who wisely weighs what advantage is to be made of every Prisoner, and considers not only the Person himself, but the Interest he is engaged in, and the Friends he may be supposed to have, thought too few Guineas were offered ; and therefore still kept off the Bail endeavouring to make a better Market ; but while things hung thus between the *Bail* and the *Bailmaster*, on a sudden the Controversy was ended by the coming of a fresh *Warrant* upon the former, which committed the Prisoner for *High Treason*.

This way of Proceeding being somewhat unusual gave occasion to divers Censures ; some said, *it was only a Trick to prevent his being bayled* : others said, *that the Fact, though never so fully proved, could not amount to High Treason, and that they could not touch his Life ; and that they had hereby done him a Kindness, because upon his Tryal he would be discharged without any further Imprisonment or Corporal Punishment* : But these, I suppose, were more conversant among the Lawyers than the Politicians, and could better tell what ought to be done, than what some Men were contriving to do. Others judg'd this fresh Commitment to be the result of new Councils, and a plain Evidence, *that they had taken new Measures ; and therefore did hence conclude, that he was thought a Person not only dangerous, but fit to make an Example, and that therefore it was resolved he should be hanged right or wrong* : And the Event proved these to be in the right.

Now such illegal Proceedings and bloody Councils very ill becomes those who complained of smaller Failings in others, and have turned all things upside down under a pretence to mend Matters and reform Abuses ; but there is nothing more sanguinary, than a pretending *State-Reformer* ; nothing more cruel and savage, than a *Moderation-Man* got into Power. But these doings being naturally so odious to English men, I hope they will consider,

der, that the difference is not great, whether they be hanged with *Papist* or *Protestant* Halters; and will see at last, that they have a very ill security for their Lives, Liberties, and Properties, when those who take upon them to guard them from Popery, become more Lawless and Cruel than *Papists*. There were indeed some even in the Council who did dislike these Proceedings: but others prevailed; and it would not be forgotten, that there is a certain sly plump *Divine*, who perhaps is as good at *Hocus Pocus* Tricks, as any Man in *Europe*; he can cut a Man's Throat so neatly, that he shall never know who hurt him; he will put at his pleasure all into confusion and hurry, make Men so mad that they know not where they are, nor care what Mischief they do; and all the while, as if he had *Gyges's* Ring, shall walk invisible, and shall not be so much as suspected to have had any hand in the matter: To this Crafts-Master *Robin Stephens* made haste over the Water to set forth his great Services, and to receive ample Praises, if not a Réward. But his Expectation was sadly baulk'd; for the Oracle fell foul upon him, telling him, that now he was threatened to be turn'd out of his Place he could find these Men, and that it might justly be thought that he had been confederate with them all this while, and false to the Government; and that if he did not give better Testimony of his good affection to the Government, and that he was an Enemy to such kind of Men, he might lose his Place for all this. Now all this is only an Use of Instruction to a Messenger who was malicious enough of himself; for the plain English of it is this; 'Tis true you have taken a Printer, but what of that? For unless you go through with your Work, and swear him out of his Life, you do the Government no Service, and had as good have done nothing at all: Guilt is ever merciless and bloody, a Man is got into the head of a Schism, has seiz'd on *Nabab's* Vineyard, and there wanted not much but they had kill'd to secure the Possession; for had not *Fuller's* Plot miscarried we had had a *Jezebel's* Fast, and *Sons of Belial* had been set up to testify, that the poor old innocent Gentleman did blaspheme God and



*the King* ; now the Prisoner was of a Trade that told Tales, and the wicked *Musty* strongly presum'd that this was the Man, who had not only often refresh'd his Memory with the mention of his Guilt, but did give him some disturbance in the possession of his ill-gotten Goods, and therefore he was unpardonable, such a Man he could not endure should live. But though he knows not how to forgive, yet I heartily wish he may repent, that God may forgive him, lest he find Hell a more difficult place to get out of than of late he imagin'd.

I shall pass by several Circumstances, which perhaps some would think material, that I may avoid Tedioufness and come to the Tryal itself, which was begun on *Thursday June 1.* but respited till *Saturday* following, that this bloody Scene might be acted with the greater Solemnity. The Court being set, several appeared on the Bench, but his real and effectual Judge was *Treby*, one of the old Republican strain, and as fit a Person as could have been pickt out for such a murderous Design ; this Man being *Recorder* of the City of *London*, when the Lord *Russel* was condemned for *High Treason*, and by his place being to pass Sentence upon him did declare himself exceedingly troubled in mind and mightily dissatisfy'd because there was only one positive Witness, and other circumstantial Evidence against his Lordship, and not two positive Evidences to the same fact, as he said the Law required ; But see how mens Consciences can face about, when their Malice is to be gratified ; he could now brow-beat, revile, and in effect force a Jury to bring in a Verdict of *High Treason*, when there was not one positive Evidence to any matter of fact, nor indeed any Evidence at all, that could directly affect the Prisoner as to the matter in his Indictment. The Lord deliver me and all honest Men from *Trebyan Justice*. *Herodotus* relates of *Cambyfes*, that he took an unjust Judge and caused his Skin to be flead off, and tann'd, and therewith the Seat of Justice to be lined, and then put his Son in the place, who sitting upon his Father's hide, could not want a Monitor to make him careful

ful to pronounce righteous Judgment ; and for my part I cannot give a reason why *Christians* should not be as solicitous to have Justice duly administred as *Heathens*.

Mr. *Anderton* made it his Request, that he might have a Copy of his Indictment, but it would not be granted ; and indeed so great Care was taken, and so strict a Charge given, that neither before nor after his Tryal could any Copy be obtained, so long as he lived ; whether it may be had now I know not. The Crime laid to his Charge was the *Composing, Printing and Publishing two Malicious Treasonable Libels* : The first intituled, *Remarks upon the present Confederacy, and late Revolution in England* ; The second, *a French Conquest neither desirable nor practicable*. As to the later of these it is now certainly known, that he had no hand in it, and that it was Printed at a Press which he never saw, and by Persons with whom for a long time he had no Communication : and it must be allowed to be a reasonable Supposal, that his Judge knew this at the time of his Tryal. For the Government had at that time in their custody those Persons, who knew when and where it was Printed. ( and as it was said ) had made a Discovery of all, perhaps of more than they knew : The Papers of that sort taken upon the Prisoner were sent to him the day before he was seized ; and some have a vehement suspicion, that it being resolved he should be taken the next day, those Pamphlets were sent before hand that something might certainly be found upon him : But his Innocence in that Matter hath since been made evident to all the World by an irrefragable Testimony ; for this *September* Sessions at the *Old Baily*, *Price* in open Court made Oath, that he and the Prisoners then at the Bar, *Newbolt* and *Butler*, Printed the *French Conquest*. This was both a Surprise and a Choak-pear to some there, and a murmuring noise ran through the Court, whilst some whisper'd, *And was Anderton then hanged for that which othes have done ?* And the *Attorney General*, a Man who need not be taught to speak, was struck dumb and look'd blank, I suppose in anger and indignation that he should be imposed

impos'd upon to accuse a Man of a thing for which he lost his Life; and the same Man in the same Court proved innocent. For this I do think of him that he would not knowingly prosecute a false Accusation against an innocent Man, tho this is more than I would say of the Judge.

Upon the Tryal the principal Evidence against the Prisoner was *Robin Stephens* the Messenger: Now all Courts of Judicature use to have a particular regard to the Credibility of the Witnesses, and not to throw away any mans Life upon the Testimony of infamous malicious Persons; and such as care not what they swear. Now the Man is yet living to bear witness of it against whom *Robin Stephens* in Malice made Oath before a *Justice of the Peace*, that he was a buse, troublesome *Dissenter*, came not to his Parish-Church, nor had received the Sacrament there, for the space of Twelve Months then last past, and the Gentleman being brought before the *Justice of Peace* to satisfy the Law in that case, he gave such convincing Evidence to the said *Justice* that he was a constant Churchman, and for Eleven of the said Twelve Months had received the Sacrament at his own Parish-Church, that the *Justice* gave him his Warrant to take up *Stephens* for making a false Oath; and the Warrant he lately had to produce, and I believe hath still. But what a rare Fellow this is for honest Mens Lives to depend on, you shall farther perceive by the Testimony he gave upon the Tryal.

One thing whereof *Mr. Stephens* made Oath was, that at the time of *Mr. Anderton's* Apprehension, he did in Words disown the Government, and call'd *K. W. Hook nose*, not submitting himself. Now as to the Words this is absolutely false; for some scuffle there was but not a Word spoken. *Mr. Anderton* in the time of his Health and Liberty was a Man of Integrity, and so far from being given to Lying, that he particularly hated a Lyar, and such a Person no one can think would persist in a needless Lye at his Death; and to the very last he denyed the speaking any such Words; but for a further Evidence he told to several Persons the very reason of his

his Silence. For he said he knew *Robin Stephens* to be *short-sighted*, but withal that he knew his Voice, and that while he did not discover himself by speaking, he was in some hope to give him the slip. But if *Robin Stephens* be pleased a little better to recollect himself, he may then perhaps remember that another Person about three days before that time had said such Words to him ; but he ought to have a care how he transfers Matters from one Man to another ; for that is the way not only to condemn the innocent, but to acquit the guilty : But after all, suppose it true, that he had spoken that unhandsome Word ; a *disrespectful Term* it might be, but Treason it was not, neither was it any thing to his Indictment ; and why then should a Judge make such a bustle about it, and exercise his Wit thence to prove the Prisoner disaffected to the Government ? What hath a Judge to do with a Man's Affections ? If a Jury will be prevail'd on to find a man guilty of High Treason for saying a Man has a *Hook-nose*, who really has a *Hook-nose*, they will hang a Man for speaking truth ; and that is an ill Country for an honest Man to live in.

Another part of Mr. *Stephens's* Evidence was, that he there took an old Trunk fill'd with Papers and Pamphlets, and that he had seen the said Trunk formerly, and knew it to be Mr. *Anderton's*, and lest the poor old Trunk should not be sufficiently taken notice of, it is put into the Ordinary's Paper, and also into that which was cry'd about on the day of his Execution. Now the Reason of Swearing to the Knowledge of the Trunk was, because it was not found in any of the Rooms that could be proved to belong to Mr. *Anderton* : But if *Robin Stephens* had never seen that Trunk before, then he must make a false Oath in swearing that he had seen it before. and that he knew it to belong to Mr. *Anderton* : and indeed he had never seen that Trunk before, nor did it belong to Mr. *Anderton*. For I can name the Gentlewoman to whom the Trunk did belong ; and in whose constant use it hath been for these Ten years last past and upwards, in whose house *Robin Stephens* never

never was that she can tell, nor doth she so much as know him ; and some Weeks before Mr. *Anderton's* Apprehension she innocently lent the said Trunk to a Person who said she had occasion for such a thing for a little time, and did expect it to have been returned but now she must lose her Trunk, and dare not own it, lest she should bring herself into a great deal of Trouble for doing a common neighbourly Kindness.

But the Evidence which was principally relyed on, and which seemed most strongly to affect the Prisoner, was the matter of the Desk, as to which *Robert Stephens* made Oath, *that he took out of the said Desk 40 or 50 of a sort of the Remarks and French Conquests.* Now herein lay the great Master-piece of *Robin Stephens's* Villany, for he had seen the Desk formerly, and might well remember and swear to the knowledge of it, and moreover the Desk was taken in a room, which was owned to belong to Mr. *Anderton* ; but all this comes short ; for it is no Treason to have a Desk, yea even a notoriously known Desk ; and therefore to do the Feat it was requisite, that some Books should be found in that Desk, and then it would be reasonably supposed, that the Books did belong to the Owner of it ; though this is no infallible Reasoning. For Mens Books, Moneys, and other Commodities, are often laid up in other Mens Desks ; every thing is not a Man's own, which he has in Possession. But the truth is, there was not so much as one of the *Remarks* or *French Conquests* in the said Desk ; and if after Mr. *Anderton* was apprehended, *Robin Stephens* or any of his Gang did steal the said Desk, and put such treasonable Papers into it, I would ask of any indifferent Person, Whether he, or they, or Mr. *Anderton* ought to be hanged for it ? I could name the Person who hath more than once told me, that when-ever he could appear with safety, he would be ready to make Oath, That about an hour before Mr. *Anderton* was seized he had occasion to look for something in the said Desk ; and that at that time there was nothing in it, but two Quires of clean white Paper, and some bound Books ( *i.e.* such as the Bible,



Common Prayer-Book, Whole Duty of Man, and Books commonly used in Families ) and not any slicht Books, and that he was with Mr. *Anderton* to the very minute that he was taken, and is as sure, as it is possible for Man to be, that neither he nor any other did put any such Books into the said Desk from the time he had occasion to search it, to the time of Mr. *Anderton's* apprehension, for which he gives many convincing matters in evidence, too long to be here inserted. He had no occasion to speak of this till after the Tryal; for he could not foresee such a malicious Contrivance, nor know before-hand what *Stephens* would swear; or if he had, he durst not appear to give Evidence, lest he himself should fall under the same fate; but it is well known, that the Prisoner peremptorily denied any such Books to have been there, though he own'd the Desk; and he used an Argument to convince the Bench of the truth of what he said, drawn from the very Evidence given against him, viz. That the Desk was small and not able to contain half so many Books, as were sworn to be taken out of it; and for proof hereof desired that the Desk might be brought into the Court for the Juries, and all others Satisfaction: But his righteous Judge would not allow it, but shuffled off the matter, saying, That the Number of Books was only matter of *supposal*. But then is Blood with him so cheap, and can he be satisfied in Conscience to hang a Man for a *Supposal*, and that *Supposal* false; and such a *Supposal*, that he himself durst not suffer to be examined, lest it should have made it apparent, that their *grand Evidence* was a perjured Rogue? This was the only piece of Evidence that did in the least seem to affect the Prisoner; and therefore ought to have been fairly and fully canvassed, and not so lightly huddled and slam'd over; all the other Evidence was nothing to the purpose; and if even this had been true, it could not have cast him. For the having Books in a Desk is neither *Compassing*, *Printing*, nor *Publishing*, which is the Crime charged in the Indictment.

The substance of the aforesaid Testimony concerning the Books being

being taken out of the Desk was seconded by the Evidence of *Hooper Beadle* of the Hall, and the *Constable* and his *Beadle*. Now though the Falshood of the thing is already made manifest, yet I shall retain some Charity for these Persons, till I find cause to the contrary; because it is very probable, that they might be deceived. For if *Stephens*, or any Agent of his, in the time of the huddle, and removal of things, did put such Books into the Desk, and afterwards examine it before the said *Constable* and *Beadles*, they might ignorantly swear to his Contrivance; and they might truly say such Books were taken out of the Desk, and not know that *Stephens* and not Mr. *Anderton* put them in. But there is one thing, which shews them to be too loose and heedless in the matter of an Oath, in that they alledged so many of the *French Conquests* to be there, when it is certain there was not the fourth part of so many in the house, which (as I have already told you) were sent him the day before, and which the Government it self now (if it did not then) well knows were not Printed by him. And yet after all this multitude they were content to fall to one of each, that they might be particularly sworn to; and when Mr. *Constable* was asked, how he knew those to be the Books, and was desired by the Prisoner to read the Titles of those Books whereof he accused him, truly it appeared, that the learned Gentleman had been bred to no such dangerous things as Writing or Reading. Now could a more unquestionable Witness have been produced to printed Books, and their Titles, than a Man that cannot read? But for a help at a dead lift, it was said that he had made his *private Mark* on the said Books; but then it ought to be considered, That his *private Mark* was made to the two Books at the Lord Chief Justice *Holt's* Chamber, which *Robin Stephens* produced out of his Pocket, when the Prisoner was brought to be examined. Now what did his *Mark* set on two Books at the Lord Chief Justice's Chamber, which were all the while before in another Man's Custody, signify to prove that those were the Books, which were about four hours before taken out of a Desk in *S. James's*?

*Robin*

*Robin Stephens* might have produced what Books he pleased, and in all likelihood this Man would have set his *private Mark* on them; but if he would have been sure, he ought to have set his *private Mark* at the time of their being taken out of the Desk; but if there were not villanous Treachery in the case, there was no such Book to be marked. Would any Judge, who had either a Grain of Sense or Conscience, hang a Man upon such Evidence as this?

I suppose it is for a blind, that *Stephens* swore, *that coming to the Door ( i. e. Scudamore's ) and asking what Lodgers they had , turning his head aside, he saw the Prisoner's Mother in the Yard , who crying out Murder, the Prisoner came out of the House, and fell upon him. For* I cannot imagine what should make him swear such a needless Lye, unless it were to cover the Treachery, whereby the Prisoner was betray'd, and to bear the World in hand, that he accidentally discovered him by espying his Mother. For his Mother was not in the Yard, but in the common Room, which they used for their Kitchen; and *Stephens* came into the Yard, and directly to the Door, which by chance at that time was bolted; and when he could not by force get in ( for the Prisoner's Wife and Mother spying him out at the Window would not open the Door ) he took down a pane of Glass, and was striving to come in that way, whereupon they opened the Door, and at the out-cry of his Mother and Wife in that Room, the Prisoner *Mr. Anderton* came upon him, who had escaped the *Buzzard*, had it not been for the strong Guard he had set.

This piece of Evidence also admirably well agrees with another, *That he saw him shoving up a Bed, which ran upon Wheels.* Now the Bed stood in a Room, from which you must come thorough two Doors into the Yard. In short, *Mr. Anderton* did not shove up the Bed, nor was he first seen to *Stephens* at this time of his apprehension, either in that Room, or in the Yard, but in their Kitchen or common Room lying between both. And indeed as to this matter the Prisoner convinced him of the Falshood of it in the open Court; but

but however it was taken no notice of. The Witness must not be disparaged or discouraged, though some Men will be apt to wonder at his Wit, how he could contrive to forswear himself in so many particulars.

Besides *Stephens*, the Constable and the Beadles, there were also two Printers sworn, viz. *Roberts* and *Snowden*, the Substance of whose Evidence was, That they had seen the Characters in the Hall, together with the &c. and that they did believe it was the Letter that Printed that Book, (i. e. the Book then shewed in Court) as also that the two Books were Printed with one and the same Letter or Character. Now if this Evidence be true, it ought to have acquitted him; if it be false, it ought not to have hurt him. For the Government well knows where and by whom one of the Books was printed, and that it was not Printed by Mr. *Anderton*, nor had he any manner of hand in it, or any communication at that time with those Printers; and if both the Books were printed with the same Letter or Character, then I think it is a pretty fair and clear Inference, That he printed neither of the said Books, and consequently ought upon this Evidence to have been discharged. But be the matter true or false, what signifies *believing* in this case? Is one Man to be hanged for anothers *believing*? Malice is put to its shifts, when without any colour of Legal Evidence it is forced to *believe* a Man out of his Life. But if such Evidence as this shall be looked on as good and satisfactory in matter of Life, I think the whole Society of Printers are deeply concerned in it, and that they are all in very dangerous Circumstances; for I am assured by a very understanding Printer, that there is not a Printing-house in Town, but hath of the same sort of Letter or Character, so that upon such an Oath as this, any or all the Printers of the Town might have been taken, and whom they thought fit hanged. For there is none of them but had Characters as suitable to the Book, as that which was sworn to; and if it had been seized, and thus sworn to, they were as lyable to be hanged as *Anderton*. At this rate the Government

D

need

need not give themselves the charge of a Messenger of the Press, nor the trouble of such frequent Searches; but as soon as any Seditious or Treasonable Pamphlet comes abroad, it is but going to the next Printers and seizing his Letter, and having found some of the same sort of Character, to get a couple of Rattle-headed Fellows to swear to it, and hang him; and thus they may pick and chuse what Printers they please to hang. Was ever such a wise Oath made by two Printers? but *Snowden* was made choise of, for his notoriously known Malice against the Prisoner, and no doubt but his Fellow was endued with some excellent Quality or other.

There was brought in another Witness, who made Oath, that about three Quarters of a year before, he had sold the Prisoner Paper by the Name of *Williamson*. Now what is the Crime of buying Paper? The *Stationers* would have an ill Trade, if every Man should make himself a Traytor, who becomes a Customer to any of them. Whatever they conjectured, no body offered to prove, that he made any ill use of his Paper; and then if he had bought half the Paper in the Town, I know not what harm had been in it, provided that he had honestly paid for it. What need was there to have troubled such a Witness as this? There can scarce be thought any other Reason, but that they were resolved to run a Man down with noise and number, against whom they wanted sufficient Evidence.

Thus I have examined the Witnesses, and I do not know that I have omitted any thing material spoken by them; their business was to fix the Press, Letter, and Pamphlets upon the Prisoner, to prove he worked there, but particularly, that he printed the two Books laid in the Indictment; which if their Evidence did not amount to, it signified nothing. Now if a Man carefully consider the whole Evidence in relation hereto, he will plainly perceive, that it was either false, inconsistent, or impertinent, and after all nothing to the purpose. For he stood indicted for *Composing, Printing, and Publishing* two particular Pamphlets, viz. the *Remarks and French Conquest*.



*Conquest.* I suppose they themselves did not think him the Composer, that word was put in for Formality's sake; but however if they did, there was no offer in the least to prove it; nor was there any proof, that he printed both, or either of the Books laid in the Indictment, or any other Book, or that he printed at all; nor was it proved, that he published the said Books, or any other Books; nay, there was not the least thing, that looked like an Evidence towards any one of these things; so that there was not one tittle of his Indictment proved. Let us now see what art this reverend Judge could use to condemn him? For any Man who had known the Laws of *England* would have thought he had been safe enough.

The Prisoner with a great deal of calmness and clearness had all along made appear the insufficiency of the Evidence; but the Judge, he as much crys it up, strains all his Rhetorick to set glosses upon it, over-rules all, and though for Fashion-sake he leave it to the Jury, yet he perswades them, that they could not but see in it, what nobody else could: and now like a Knavish Disputant, who begs the the Question, he takes for granted, that the matter of Fact was proved, though the contrary was as clear as Noon-day. But then from this false Supposition of the proof of matter of Fact, there arose matter of Law, *viz.* Whether Printing were Treason? And in consequence hereof, Whether it were within the purview of the Statute of the 25 *Edw.* 3? As to this, the Prisoner desired he might have the benefit of *Council*; and pleaded his Right to it, urging not only the Privilege of every English-man, but that it was the Practice of all our Courts of Justice, and that no Man was denied Council where any matter of Law arose, and instanced in the case of *Sydney* and others, to whom the Judges freely and readily assigned Council as to matter of Law, and own'd it to be their Right. But the business of our tender Judge was by any means whatsoever to cast the Prisoner, and to make several new Presidents in this one Man, nor durst he trust so plain a case with the meanest Lawyer; for that had been to expose their own Malice and Weakness, and the Jury  
and

and whole Court would easily have seen through the Business; but as for the Prisoner himself they thought he might easily be dealt with, and the matter veiled; for either by the advantage of their skill in Law, or the awe of their Authority, such a Person might be easily quelled, and therefore they peremptorily deny to him, what was (as the Learned in the Law tell me) never denied to any Man before, *Counsel as to matter of Law*. Being thus shamelessly over-ruled, he was constrained to be his own *Counsel*. A hard case, and a very discouraging part to plead Law against a Judge of Law, who improved his Art and Authority against him to the utmost, and appeared resolutely bent to have his Blood right or wrong. Nevertheless not to be wanting to himself, he undertook that part, and made such a Plea as stunn'd his Jury, and gave satisfaction to the whole Court, except such as came thither with a resolution to Murther him. The things which he principally insisted on, as to matter of Law, were three. 1. That Printing (though even that was not proved) was not Treason. 2. That the Crime laid to his charge came not within the purview of the 25 *Edw.* 3. 3. That if it did, yet by the said Statute he ought to be discharged; because there was not such Witness against him as that Statute requires, and without which it condemns no Man. And these he proved fully and clearly by several cases in Law, by several Authorities from that great Oracle of Law the Lord Coke, and from our plain Laws and Statutes themselves, he argued from the Statute whereon he was indicted, that whereas that made two things Treason; *Conspiring the Death of the King, and Levying War*. The Printer, who worked for hire, could not be guilty of this what-ever the Author might; and further that the Books contained nothing of such matter, but the contrary, of which he produced an Instance full and plain; he also urged, that that Statute allows no conjectural Presumptions, Inferences, or strains of Wit, but direct and manifest proof by, at least, two Witnesses, whereas there was not one against him, that spoke to the purpose, or any thing like it; he pressed and explain'd the

the Statue *imo Marie*, even to a demonstration of his case. For whereas that Statute saith, *no Act, Deed or Offence, shall be adjudged Treason, but such as are declared and expressed to be such by the 25 of Edw. 3.* It is absolutely impossible, that Printing should be any ways declared or expressed in that Act, it not being known in *England* till eight Kings Reigns after, and not long invented, before it travail'd hither. Any Man that had but a grain of Sense, Reason, or Conscience, would have thought this should have struck the matter dead ; but he still urged further an Act of their own; and where Men will not so much as stand to their own Acts, happy are they who have nothing to do with such. In the Reign of King *Charles the Second*, an Act was made to *prevent abuses in Printing, &c.* by which the Printer upon the first Offence is disabled to follow his Trade for three years, and upon the second disabled for ever with Fine, Imprisonment, or other corporal Punishment not extending to Life or Limb; this is pretty severe, and yet a great way off Treason ; but this being in favour of that King was made only for his Life, and consequently expired with him ; but no longer since then the last Sessions of Parliament was this very Act revived, and the *present Government* obtain'd it not without great Strugling : But to what purpose ? Or I would fain know what favour was done it, if there were more effectual Remedies before ? And I think it may be worth while for the Parliament when they sit next to consider for what reason they revived that Law, or whither it be to any purpose for them to make that or any other Law, if even whilst they are fresh made, and in all Mens view and knowledge, a Judge shall dare openly not only to set them aside, but to violate them, and judge contrary to them. But I shall trouble the Reader no further with his Plea, which had been here inserted, but that some thought it would be too tedious, and not so proper for all sorts of Persons, as being fraught with much Latin and French, which he was necessitated to use as to the matters he cited. In short, he acquitted himself so well, that all indifferent Persons were abundantly satisfied,

E

fied, and yet it proved to no more purpose than a *Wall-lecture*. The reason is, the Tryal was only a piece of Pageantry, and the Man was condemned long before; but to over-rule this without more ado, had been a down-right Affront both to Law and Reason, and therefore Mr. Judge must needs make a Flourish; and now a Man would expect, that he should have gon through all the Cases, Statutes, and Arguments used by the Prisoner, and fairly and fully confuted him; but I thank you, no such matter; if the Man had but little Honesty, yet he had more Wit; he warily leaves it all in the Lurch, and to put a blind upon the matter, makes a Bluster with two or three old musty impertinent Presidents, which had not seen the Sun for many Ages, the chief of which was that of Sir *John Oldcastle Lord Cobham*, and he might as well have urged the Case of the *Man in the Moon*. For what was my Lord *Cobham's* Case to Printing? That famous *Wicklervite* lived in the Reign of *Richard the Second*, some scores of years before Printing was thought on, which came not into *England* till the Reign of *Henry the Seventh*; and the Prisoner had very well observed, That what is not expressed in the Statute 25 *Edw. 3.* ( and it is impossible Printing should be expressed there ) is barr'd from being any ways adjudged or interpreted *Treason*, by the Statute *1ma Marie*. In short, in summing up the Evidence to the Jury, the Judge acted not the part of a Judge, but rather of a keen-malicious Counsel or Accuser, and mustered up all his Arts to insnare and impose upon the Jury; he aggravated to the utmost every little Punctilio, which he thought might be any thing servicable to beget in the Jury an hard Opinion of the Prisoner; he could not let the Bed with Wheels alone, but whipt it up and down like a Top; he could not forbear brushing the poor Man's Night-gown; he rambled from *St. James's* to *Hoxton*, and fetcht in every little Trifle with all the witty Malice imaginable; nay, if you will believe him, he lookt into the very Soul of the Man, and told the Jury what was within him; he was an ill-minded Man, a disaffected Person, he was no Lover of the Government; and in my Conscience I cannot

cannot tell how he should, the Government had not used him so well, that he should be passionately fond of it ; but above all he took mighty Pains to beat it into their heads, That *Printing was an Overt Act* : But on the other hand, of there being two Witnesses to the proving the Fact ( alas, he knew there was not one ) or of any thing the Prisoner had pleaded though plain and substantial Law, or of any thing that did make for the Prisoner, not a Word did he speak ; and when he had thus disguised the business with all the skill he had, The Jury were sent out to consider of their Verdict.

Whilst the Jury were withdrawn all sorts of People were big with Expectation, what would be the Issue of the business ; many, who who were very well affected to the Government, thought he could not be found guilty, and do not stick to say still, that he had very hard measure ; nay, even *Robin Stephens*, who thirsted for his Blood, was fearful he would escape ; for as he was passing along the Streets coming up to three Gentlemen, one of whom asked what they thought would become of Mr. *Anderton*, *Stephen's* laying his hand on Mr. *M——s*'s Shoulder said thus, *The Rogue pleaded bravely, and I believes hopes he hath Friends among the Jury to get off ; but if such as he are acquitted, the Government must give us Orders to flog them whereever we find them.* I think this is a faithful Servant of the Government indeed, a Man who will go through stich with his work ; but then, my Dear Country-men ! what would become of the Laws, if every Rogue should have a License to murder whom he pleaseth ?

After two hours debate the greater part of the Jury became very well inclined to have found *Not Guilty* ; but there was a true Trojan amongst them, one who loved Mischief and the Government in his Soul ; and he was for hanging Men for being *Jacobites*, not for being Guilty : and being since told of the severity of their Verdict, he readily acknowledged, *that the Evidence did not amount to the proof of the Fact, but, saith he, what of that ? I believed he was guilty, and I will hang a hundred of them for half so much Evidence.* A very useful



useful Man, and certainly deserves a Pention, if he have not one already. When the Jury appeared, the Question was asked, Whether they were agreed of their Verdict? A zealous Man answered, No. Whereat the Court frownd, and shew'd themselves much displeased, when the *Fore-man* of the Jury (who is a Man well affected to the Government, but withall a sensible Man, not malicious, and desirous that all Men may have fair play for their Lives) put this Question to the Bench, *Whether the having those things by him, without making any further use of them, did affect the Prisoner as to Life?* Now this Question was very pertinent. For all that was proved against the Prisoner, was that such things were found there, and it ought to be taken notice of, that though the thing was call'd in Question, yet it was not proved, that the Room, where the things were found, did belong to him; and there was a Person present in Court, and brought thither by means of *Robin Stephens*, who offered to make Oath, that the Room was hired by one *Williams*, and that the said *Williams* had paid the last Quarters Rent for it; whereupon *Stephens* and others gave her very ill Names, and with great Threatnings drave her out of the Court, and both she and her Husband have been somewhat scurvily used since. The Question, though very proper, was nothing pleasing; but after some frowning and pouting, *Treby* arose and answered, *No*. In which answer he plainly acknowledged, that all that was offered in proof against the Prisoner, did not affect him; but then he further said, *That was not their Business, they were to find it Printing, and that was a sufficient Overt-Act*. But then is Printing Treason? If so, then we have a Trade that is Treason, at which Men work every day, and are allowed by Law, which is not more severe against any thing, than Treason. But perhaps he will say, he meant *the Printing these Books*; but with his good leave, there was no such thing proved, nay, not so much, as that he printed at all. And must a Jury find a matter of which no manner of Evidence at all is given? He might as well have bid them find it *Conjuring*, for any proof that was offered of it.

it. But if the thing were supposed, yet I believe his Lordship is the first, that ever declared Printing as such, to be an Overt-Act of Treason; and I shall leave it to the Learned in the Law to declare, when they shall think fit, what Crime that is, and how to be punished, when a Judg takes away a Man's Life by declaring that to be an Overt-Act of Treason, which the Law doth not so account.

But I cannot omit it, as seeming to me a thing of sad and dangerous Consideration, that when some of the Jury-men, as by way of complaint, said thus. *My Lord, our Fore-man is of Opinion, this Fact is not proved.* He presently replied, *Whether it be proved or no, you ought not to determine; the bare finding the Books in his Custody would not be Treason; but the case is, Gentlemen, here is a Man that has a Printing-Press, to which no Man has admision but himself; and this Man is found with Errata and &c. (not a tittle of all this proved) so that he must needs print the Treason.* To this a pert Jury-man answered, *'Tis a very strong Presumption, my Lord!* And then Baron Powel clenched the Nail with this grave saying. *A violent Presumption is as much as if a Man had been there and done it himself.* What blessed times are these? Would not a Man think, that *Astrea* were come down from Heaven again, and sat in Court? For was ever such brave Justice known? The Jury are sworn to proceed according to their Evidence, but the Judg tells them, *they are not to determine whether the thing be proved or no. i. e.* They are brought thither to be forsworn, and to hang Men contrary to their Oath upon the bare *Say-so* of a Lying corrupt Judg. The Law says there shall be *positive Evidence in case of Life*, but a great Lawyer says, a *violent Presumption* is the same thing. In plain terms, (Country-men) this is not to *murder* a single Man, but to *murder the Laws*; and the most innocent English-man breathing has no security of his Life against a *presuming* Judg.

These Answers, or rather Shams, being returned to the Questions, after some other ill Words, and ill Looks, the Jury were sent back  
F again,

again, where almost three hours more were spent in debating the matter before they could come to a Conclusion, and then part complied, rather tired and frightened than convinced; The last, who came in, was the Foreman; and it is befitting the times, for the head to follow the tail; nor were they Arguments, but Terrours, which shock'd his Judgment, and brought him off at the last; some of his fellow Jury-men used him rudely, gave him very ill Language, and threatned him high with the Government, and thus all being awed into a Compliance, away they come with their wicked, but to the Court welcome, Verdict, and bring in the Prisoner *Guilty*. And now the Judge, to shew how acceptable it was to him, falls a stroaking the Jury; and endeavours to make them some amends for the hard words he had given them before, telling them, *That they had done like honest and good Men, and had brought in a Verdict agreeable to their Evidence.* The most impudent Lye that ever was spoke from a Bench; for there was not one tittle of Evidence either as to his *Composing, Printing, or Publishing*, which was the Crime laid to his Charge in the Indictment. But the Foreman, when he came to have the liberty of his thoughts, was not pleased with what was done; and that he might prevent the mischief, what in him lay, he did declare his dissatisfaction, and that also was made known, and at another time, had been enough to have staid Judgment: But they had gained their wicked Point, and would not depart from it; Sentence according to course was put off to the last day of the Sessions, in the mean time the Prisoner, that he might either save his Life, or leave those who sought his Blood without excuse, had a Petition drawn and delivered, which is as followeth.

"The

“ *To the Right Honourable Sir John Fleet, Lord Mayor of the City of*  
 “ *London, and the rest of the Commissioners for the Goal delivery*  
 “ *of Newgate.*

“ *The humble Petition of William Anderton a convicted*  
*Prisoner in Newgate.*

*Sheweth,*

“ **T**hat whereas your Petitioner has been by the Jury found  
 “ Guilty of Printing the Books laid in the Indictment, and  
 “ thereby is concluded from Questioning the Legal Evidence they  
 “ had for it, though your Petitioner humbly appeals to your Lord-  
 “ ships Observations and Consciences, whether all that was sworn  
 “ came up to more, than bare circumstantial Evidence, of his bare  
 “ Printing them ; which in Cases of Treason, as your Petitioner is  
 “ informed, has never been allowed. And whereas your Petitioner  
 “ was advised, That bare Printing these Books (admitting the same  
 “ proved ) could not by the Laws be construed as an Overt-Act of  
 “ Treason in the bare Printer ; And your Petitioner requested the  
 “ Court again and again, That this matter might be argued by his  
 “ Counsel, which the Court were pleased not to permit. Your  
 “ Petitioner yet notwithstanding, not doubting of your Lordships  
 “ Inclinations, not only to do him all Justice, but to shew him all  
 “ the Mercy and Favour you can that may consist with your Lord-  
 “ ships Justice ; and humbly conceiving, That this Court, by fur-  
 “ ther considering your Petitioner’s Case, may, even yet, be ca-  
 “ pable of Relieving your Petitioner, especially, if upon hearing what  
 “ your Petitioner can say, your Lordships shall be satisfied, That  
 “ your Petitioner hapned to be Convicted through any Error or Mi-  
 “ stake, ( as no Man was ever exempt from Error, and the best of  
 “ Men are always readiest to confess it ) Your Petitioner therefore  
 “ humbly beseecheth your Lordship’s Patience seriously to read and  
 “ consider

“ consider some few (of many) Reasons which your Petitioner hath  
 “ heard from others, which he herein has set down as briefly as he  
 “ can as followeth.) First, They lay down, That the Treason laid  
 “ in the Indictment, being that Of the intent of the heart, (expres-  
 “ sed in the Statute by Compassing and Imagining the King's Death),  
 “ requires by Law Two Proofs, The one of the Fact, the other of  
 “ the Inference, and that both these must be plain; That of Fact  
 “ called the Overt-Act) must be proved by direct and positive Evi-  
 “ dence, by Two Witnesses at least, and not by Circumstantial  
 “ only (as this of Printing was against your Petitioner, there be-  
 “ ing no positive Proof at all, not so much as by One Witness given  
 “ of his Printing either of the Books laid in the Indictment.) And  
 “ then, that of Fact being thus proved, must by necessity of Infe-  
 “ rence as evidently and certainly prove, That the Party in doing  
 “ such Overt-Act could intend or imagine thereby nothing less than  
 “ the King's Death; And if either of these Proofs fall short of such  
 “ necessary Certainty such Indictment must fail, the Law, for great  
 “ Reasons, regarding only such plain and direct Proofs in these great  
 “ Charges.

“ Now can a Printer, *Quatenus* only the Printer of these Books,  
 “ be thereby inferred to Assent to and Approve of the matters and  
 “ things contain'd in these Books, and that necessarily too, *Quatenus*  
 “ the Printer? By the same Legal Logick every Printer may be  
 “ proved to have in his heart and approve of all the Opinions, No-  
 “ tions and Imaginations contained in all the Books he ever Printed:  
 “ For, a *Quatenus ad omne valet Consequentia*.

“ 'Tis true (say They) Writing and Speaking have, in some In-  
 “ stances, been accounted as Overt-Acts, and there might be good  
 “ Reason for it, as a Man expressing his own Mind by his own Wri-  
 “ ting, and by his own Words, which, according to the manner of  
 “ his Writing or Speaking, may evidently appear to come from his  
 “ Own heart; And your Petitioner doth not doubt but that the  
 “ Writing a Book, as in Cardinal *Pool's* Case, and the Signing the  
 “ Warrant



" Warrant for the Execution of King *Charles* the First, as in the  
 " Case of the Regicides, which Cases were urged by some of the  
 " Court against your Petitioner, were sufficient Overt-Acts, to prove  
 " the Compassing and Imagining the King's Death. But can these  
 " Instances be any thing to the Case of a Printer? whose business  
 " it is, as a Printer only, to print the Thoughts of Others, being  
 " accounted in Law only as a meer Mechanick, and whose end  
 " thereby is to get Money for his Work. And for further reason  
 " in this matter, they observe, That as it doth not appear that bare  
 " Printing was ever pretended to be an Overt-Act within Stat. 25  
 " *Edw. 3.* so when the Parliament of 13 *Car. 2.* carried up Treason  
 " to the highest, for the Preservation of the King's Person during his  
 " Life, and (among other things) particularly therein took notice of  
 " Printing, yet would they not thereby lay so great a Penalty upon  
 " the Printers, as, no doubt, considering the unreasonableness of  
 " Comprising such Tools and Mechanicks within an Act intended  
 " for Persons of higher Designs: But this Parliament kept the Prin-  
 " ters in their Remembrance, as intending to consider them by  
 " themselves in another Act, as they very soon after did; for the very  
 " same Parliament in 13 and 14 *Car. 2.* make an Act which they  
 " stile, *An Act for preventing Abuses in Printing Seditious, Treasonable,*  
 " *and Unlicensed Books and Pamphlets, and for regulating Printing and*  
 " *Presses*; and therein, as they fix them their Rules and Bounds,  
 " so they allot them their Punishment: Which, for the first Offence,  
 " is Disability for three years; and for the second, perpetual Dis-  
 " ability, Fine, Imprisonment, or other corporal Punishment at  
 " Discretion.

" Wherefore, the Premises thoroughly weighed and considered,  
 " your Petitioner humbly implores your Lordships, That,  
 " in favour of Life, in a new and extraordinary Case,  
 " and That too, of Treason, your Lordships would be  
 " pleased to extend so much Mercy to your Petitioner as  
 " to suspend your Judgment and pronouncing Sentence up-

" on him untill your Lorships shall have heard what can  
 " be further Offered by Counsel on his behalf.

" And your Petitioner shall ever pray, &c.

Here is no need of a Comment ; this Petition speaks for it self, and doubtless will continue to speak to their everlasting Shame, who answered it only with Neglect and Scorn. When the last day of the Sessions came, and the Prisoner was asked in course what he had to say, why Sentence should not be passed upon him ? He desired that his Petition might be read ; but the Court not being willing to take notice of the knowledge of any such Petition, thereby to elude his Request, he foreseeing it, had provided one ready, and offered it to be read, but no Man daring to take and read it, he took the freedom to read it himself, and then offered these things further in Arrest of Judgment, which he drew up by way of Queries.

1. *Whether if a Jury not being competent Judges of the matter of Fact whereof they are to judge, and bring in their Verdict against the Defendant contrary to Law ; I say, whether Judgment ought to pass upon the Defendant because of that Verdict ?*

2. *Whether if a Judge, ( who is Counsel for the Defendant, and therefore indispensibly bound to take particular Cognizance of what the Defendant urgeth in his own behalf, as well as what is alledged against him ) in summing up the Evidence, doth omit ( out of forgetfulness or otherwise ) the only material Point upon which the whole Indictment is founded, and which the Defendant so much urged in his own behalf ; and also which inevitably led the Jury into this Mistake of their Verdict ; whether, I say, this be not sufficient to stay Judgment ?*

3. *Whether any Judge, &c. can construe Printing to be a sufficient Overt-Act, till it be so declared by Parliament ?*

4. *Whether the Stat. of 13 Car. 2. does not plainly intimate the contrary ? And likewise the 13 and 14 Car. 2. lately revived.*

These

These Queries, and this Petition, will some time or other be thought considerable; and the rather for that the Prisoner did make it his *humble and last Request*, *That these things being matter of Law, he might be allowed Counsel to plead them, or any other matter of Law in his Case.* And he backt his Request with this modest Reason; *That being matter of Law, he thought the satisfaction of the Judge's Conscience concerned in it, as well as his Life; but if his Counsel could be satisfied or fairly over-ruled in it, he would acquiesce without more ado.* The matter now lay wholly before the *City Recorder Salathiel Lovel*; and some Persons perhaps will wonder how the foppish Tool could so easily get over these matters; but he is mounted into a Station above himself, and now thinks himself above all Sense, Reason or Law: Thus much he knew, that his business was to doom the Man to die, not to expose the matter by disputing the Case, and therefore after a flourish or two of Empty Rhetorick, he in a bravery proceeds to pronounce that dreadful Sentence, which the Law allots to Treason; which is not barely death, but to have the heart and bowels torn out and burnt, and the body dismemb'ed, and the Quarters set up or disposed as Authority orders. Thus Innocence falls before the Guilty; and it is the Triumph of a hardned Sinner to wash his hands in blood.

Whilst Mr. *Anderton* was preparing for his Death, his Friends were struggling for his Life: he had many Friends upon the account of his known ability, industry, and integrity; others were taken with his manly behaviour, and clear pleading upon his Tryal; and others were more forward to move in his Case in pity or indignation at his Lawless usage. Those who were concern'd in it, might have observed the activity and zeal of charitable and pitiful Christians, the fair and open dealing of some generous Noble Persons, the pretty Fetches and Tricks of little Courtiers to hook in a prize, but above all the Artifices of a Council in declining what was beforehand resolved should not be granted. The Queen (as still upon occasion it was answered) could do nothing without the Council,  
nor

nor the Council without the Queen; if the Council was met, the Queen was not there, or if she was there, there wanted such and such of the Council, without whom nothing could be done; and thus things at every turn were shuffled off; but where the danger is imminent, and time short, Persons are willing to watch hard and look out sharp; taking this course his disconsolate Wife had at last so fairly set the Council, that it was thought they could not avoid giving her a direct Answer; for though they were resolved he should not live, yet (the matter being so warmly debated amongst all sorts of Persons) they were not willing to say peremptorily he should die: To put her by now, this Artifice served effectually; a number of Waiters attending about the Council Chamber fell foul upon the poor Woman, in no very courtly Language, reproaching and reviling her, That she did not bring her Husband to Confession: In short, they so teased and plagued her, that they drove her away, and an old Hag followed her, persecuting her, and all that came near her as Friends, with such vehement and bitter Language, that they were forced to quit the place. But of these things there is a worthy pious Gentlewoman, who never spares any pains to promote a work of Charity or Mercy, can give a better account than I; and they being too long to be inserted here, with her, and to her careful Observation, I leave them. It did at last plainly appear, that the reason of *Caiaphas* prevailed, *It was expedient one should die.* ( Pardon the Expression, for the very Words were used, ) and therefore no matter whether the Law was strained, or not; they had caught a Man whom they thought fit should die, if not for his Crimes, yet for Example: And thus we have bravely secured our Lives, Liberties and Estates, when men are hanged for Reasons of State, not for Offences against Law.

I now draw near to his last *Exit*, only I crave leave to premise a very short account of his Life. Mr. *Will. Anderton* was born at *Wakefield* in *Torkshire*, Sept. 29. 1663. his Father's Name was also *William Anderton*, an eminent Clothier in that Town, his Mothers *Elizabeth*,  
the

the Daughter of Mr. *Maximilian Topham*, she is yet living, a Woman of a Masculine Spirit, yet as pious as courageous: for though in this Man she lost the Son both of her love and support, (for she is fallen into poverty) and would readily have given her own life in exchange to have saved his, yet she bore it with such a Christian Magnanimity, that she did not sicken to say, That *she thanked God, that he had singled out one of her Children to dye in so good a Cause.* He was brought up in the Grammar-School there, till he was fit for the University, for which he was designed by his Father, whose desire was to have made him a Clergy-man; but he, considering with himself, that since his Father's death, by many Losses and Crosses, the Estate had been very much impaired, and that there were others beside himself to be brought up, and disposed of in the World, so that a tolerable University-maintenance could not be allowed him without crushing his Mother, and Brother and Sisters, he resolved to betake himself to a Trade. When his School-master heard of this, he was extremely troubled; for he looked on him as a Boy of as great hopes as any he had taught; and to divert him from his Resolution, did promise and undertake, that amongst his Friends and Acquaintance he would procure him a Maintenance, but the Boy being unwilling to depend on such Uncertainties made haste away up to *London*, in the year 1679, where he was unfortunately bound Apprentice to one *Thomas Snowden* a Printer, and withal a furious Bigotted Fanatick; who using to pray (after his fashion) every Night in his Family, never failed in one part of his Prayer to blotter out most malicious Invectives and venomous Imprecations against the Church of *England*, and its Members, especially the Clergy. His new Apprentice, who had been bred by his Loyal Parents in the Doctrine and Practice of the Church of *England*, could not endure this; but when his Master fell to praying backwards, would get up on his Feet, and manifestly shew his dislike. At first his Master reproved him, and thought to have perswaded him with Argument, but at that weapon the Apprentice was too hard for him, which



made his angry Master have recourse to the *Argumentum bacillanum*, thinking he would at least be able to cudgel his young Man into Fanaticism : But still as often as the Master came to the malicious part of his Prayers, so often the Apprentice arose, though he was as often beaten for it ; till in the end his Master perceived his immoveable Resolution, and knowing that he could not justify his own Proceedings, gave him leave to pray his own way, and to go to Church : but withall bore him such an eternal grudge for it, that he laid hold on all Advantages imaginable to use him ill, and by the silly Oath he made against him at the Tryal, any man would think, it stuck by him still. Such doings made the Apprentice so very uneasy, that about half of his Time being served, after complaint made to the Chamberlain, he was turned over to one *Miles Fletcher*, with whom he lived very comfortably the rest of his time, he respecting and faithfully serving his Master, and his Master entirely loving his Apprentice. It is a Trade wherein some excel in one part, and some in another ; but Mr. *Anderton* had attained to that perfection in it, that several skilful Persons now give him the Character, that take him for all parts of his Trade together, he hath scarce left his Fellow behind him in England. When this unnatural Revolution was brought about, wherein Men in the face of Heaven forsook and renounced those Principles which before they had valued themselves upon, against and above all the World ; our Sufferer chose the better, not the stronger side, adhering to the *Orthodox* not the *Apostate* Church of *England*, and being for *True* not *Sham-Loyalty*, which became the occasion of his glorious though untimely end.

From the time of his Commitment to the very moment of his Death he was of a very even and sweet behaviour, being modestly courageous, cheerful without Lightness, and devout without Ostentation. He made it his particular Request, that some Minister or Ministers would be with him every Morning and Evening to read the Prayers of the Church, and perform such other Offices as in

such case as his did belong to that Function, which except one day in the Week was duly observed, and sometimes oftner; for when any Clergy came accidentally to visit him, if they did neglect to offer, he commonly requested them to pray with him. He gave little or no entertainment to any hopes of Life, as being sensible that it was rather Malice than Märrer against him; and that a Crime may be pardoned, but Malice is not to be satisfied without the destruction of its Enemy, if he once come in its Power. He often express'd a great Satisfaction in the Cause for which he suffered; saying, *that it ministred to him both Comfort and Courage, and that he doubted not but that God would acquit whom the Court had condemned.* As to the Ordinary, he indeed in point of Conscience refused to communicate with him, yet mildly and modestly telling him that he was desirous to give him no Trouble, and requested of him that he would not any ways concern himself with him or about him; at which Mr. Smith fell into such an unseemly intemperate fit of Rage, that he reviled the Prisoner with bitter Words, and very generously damned both him and all the Ministers that came at him to Hell: but he took it patiently, and returned not the least Word that might seem to sound harshly. As his Wife once laid her hand on his Fetters and wept; he intreated her to forbear, saying, *he was less than a Man that could not bear that, but that her Tears were more grievous to him than his Fetters.* Another time as he was hanging a Link on the Chair thereby to ease himself somewhat from the weight of his Fetters, and perceiving his Wife to look very heavily at it, he said cheerfully to her, *My Dear, these are my Arms* alluding to the Arms of their Family, being Sable, two single Shack-bolts, and one double Argent, which (if the Criticks will give me leave) I take to be very honourable bearing, as being originally given to such, who having behaved themselves valiantly in the Holy Wars, yet had the Misfortune to be for some time made Prisoners by the Infidels; or to such who did either by their Prowess fetch off, or by their Charity redeem such Prisoners.

But

But it would be endless, to insist on these small Matters, I will therefore hasten to the great and last Act of this sad Tragedy. When *Tucker* told him that the *Dead Warrant* was come, and that he was in it; he gave him thanks for giving him notice of it, that he might be sure he had now nothing else to do, but to prepare to dye; saying further, *The Lord's Will be done.* He received the holy Sacrament twice during his Imprisonment; but whether it be customary, or that they had particular Order, the Keepers all (except *Walker*, who was all along not only civil, but even compassionate towards the Prisoner) the Evening and Morning before he suffered became exceeding rugged and harsh not only to him, but to all that came to him; insomuch that his Mother and Brother coming that Morning to receive the Communion with him, could neither beg nor buy admission; and the poor old Woman was forced to depart without joyning in the last Act of Christian Communion with him, or so much as taking her intended last Farewel of him; which looks as if some Persons took a pride in Baseness and Cruelty, and studiously set themselves to add to the sorrows of the afflicted. Other very unbecoming Actions towards him I could mention, which I shall forbear, being unwilling to set forth that Barbarity which some delight to act. When he was brought down to go to the place of Execution, he entred into the Sledge, and rode along in it with that calm Behaviour and decent Courage, as stroke the Beholders with remorse and amazement, and made his Enemies gnash their Teeth with Indignation, to see him triumph over their Malice even in his Death. In his Passage all the way the People rather seem'd sorrowful, than inclinable to offer any Abuse, except near *S. Giles's Church*, where a rude fellow treated him with very spiteful Language, to which he made no return, but lifting up his eyes to Heaven, said, *O sweet Jesus! how much more hast thou suffered for me and for Mankind: and shall not I learn of thee patiently to bear the undeserv'd Reproaches of this inconsiderate Man?* As he was coming up to the Place of Execution, a Clergy-man, got

got up into the Cart to be ready to receive him; at which the Ordinary seemed to be much incensed; for he gave him very ill Words, bidding him *get him down*, and saying, *he ought not be there, nor should he be suffered*; The Minister replied little, but stayed still, till (see how one ill Nature helps another) Major *Richardson* came up, and with Threatnings and his Cane lifted up forced him to come down, who immediately thereupon applied himself to the Sheriffs (for by this time they were come up) when some ill Person suggested that he was a *Papist*, to which the Prisoner presently answered, *Mr. Sheriff, upon the Words of a dying Man he is not, but a Minister of the Church of England*. I mention this purposely that People may take notice what ill use is made of the Words *Papist* and *Popery*; and how necessary it is that they were better understood: for to be called a *Papist* is dangerous, but to be one or to teach the worst of *Popish Doctrines* is advantageous; heretofore the Power of *Deposing Kings* and *Equivocation*, either as to Oaths, Promises, or any *Transactings* were accounted *Popish Doctrines*, and those who owned them were universally condemned; but now you have those very Doctrines in every Pulpit in the Town, and the Persons by all applauded. What preposterous Doings are these, to hate the Name and love the Thing? to knock an honest Man o'th' head, for being maliciously and falsely called a *Papist*, and to admire him for a Saint who really acts upon *Popish Principles*, whilst he raiseth these Scandals, and rails against *Popery*? whether may not People be led, who will suffer themselves to be thus deluded? *I pray God open their eyes, that they may see the things that belong to their Peace, before they be hid from their eyes.*

But to return to our Business, the Ordinary made all the opposition he could; but the Sheriff granted the Prisoner's Request, bidding the Ordinary hold his Peace, and saying it was a thing never deny'd to a dying Man. Being in the Cart, and also the Prisoner's Brother, he used an Office which seemed to be collected out of several Offices in the Common-Prayer Book, with such small Alterations as might



might serve to adapt them to the present Occasion; being since asked the Reason, he said that he did it both for the Authority of the thing, and also to avoid any Cavils that might be made at, or any Snares that might be laid for, any of his own Conceptions. But when he came to mention the Creed he put these particular Questions to the Prisoner. *Do you believe these Articles which you are now about to rehearse with me, to contain that Faith which hath all along been received by the Church of Christ? and particularly by the Church of England? and is this the Faith wherein you die, and wherein you hope for Salvation?* The Prisoner making Answer, *I do so believe, and am now ready to die in that Faith, and in that Faith hope for Salvation.* Then said the Minister, if so, say after me: Then they repeated the Creed, raising their Voices somewhat higher than ordinary; after that the Minister asked him several Questions concerning his Repentance, his Charity, his endeavours of Reformation for any Wrongs by him done his forgiving of others any Wrongs done to him, and the like. And then, at the earnest Request of the dying Man he denounced the Absolution, then proceeding to divers other Prayers they concluded with that Sentence in the Office for the Burial of the Dead: *O holy and merciful Saviour! thou most worthy Judge eternal, suffer me not at my last hour for any pains of Death to fall from thee.* This being over, the Minister (whether that he could not endure to see the Man die, or that he would not communicate with the Ordinary, or for some other Reason best known to himself,) after he had particularly embraced Mr. Anderson, fervently recommended his Soul to God, and taken his last Farewel of him, went down out of the Cart: The Sheriffs civilly commanded a way to be made, and were readily obeyed, he passing through the Crowd, not only with ease but respect. During the time the Prisoner was at his private Devotions, an Order came to remit the Quartering of his Body, which being by some thought a Reprieve, it was handed to him, and having read it, and finding it no more, he returned it, saying, *I thank you Mr. Sheriff, the Will of the Lord*  
be



*be done.* Having leave from the Sheriffs to speak his mind if he had any thing to say to the People; he began to speak, but being troublesomely interrupted by the Ordinary, and also finding he could not be heard, he desired a Speech he had prepared might be taken out of his Pocket and given to the Sheriffs, to be by them Printed, or Disposed as they thought fit, which hath been since Printed, and is as followeth :

*To my Countrymen,*

**L**iberty and Property hath for some years made an hideous  
 “Cry in these Kingdoms, and nothing more than the Rights  
 ‘and Privileges of the Subject is the Pretence of our present Deli-  
 ‘verers; and doubtless it was for the sake of these that so many  
 ‘of my insatuated and blind Countrymen rebell’d against their Law-  
 ‘ful and Injur’d Monarch, whilst Religion (Rebellions Umbrage)  
 ‘was made the Covert of the hidden Designs of those who have  
 ‘now demonstratively shewn, that they sought nothing less than  
 ‘our Ruin: And that these were only Pretences to gain their ends,  
 ‘the very blind, although they cannot see, yet must certainly feel  
 ‘it. Under the like Pretences do our Deliverers still continue to  
 ‘deliver us even from what they please, that they think will but  
 ‘in the least help to effect what they came for: Under the Notion  
 ‘of the necessity of a War, they deliver us from our Mony, and  
 ‘from our Traffick and Commerce, by which so great a part of  
 ‘the Kingdom is sustained: Under the Notion of carrying it on, they  
 ‘kidnap our young Men, the Flower of our Kingdom, and directly  
 ‘contrary to Law transport them; and to save their own Foreign-  
 ‘ers put them in the first Onsets of their Battles, as the Heathens  
 ‘did the Christians of old, that their Enemies Swords might be  
 ‘blunted with killing them, before they came to encounter them:  
 ‘They exhaust all our Stores both for Sea and Land, and carry  
 ‘away all our Artillery; and if any Man seem but to disapprove  
 ‘of these their Proceedings under the Notion of Law they mur-  
 ‘ther

ther him: Nay, if they do but so much as suppose him not to be on their side, he must be a Traitor, and no matter what the Law says, they say he shall die.

Can any thing be more plain to demonstrate this than my present Case? My supposed Crime was Printing, and all that the Witnesses could personally say against me, was, That I was a Man against the Government, and had called the Prince of *Orange* Hook-nose, though I protest I never did; not one of them could say, nor did they offer to say, that I ever printed the Books of which they accuse me, or procured them to be printed, or published any of them, or that the Materials were mine, or that I hired the Room where they were found; but I was an ill Man, and that was sufficient: By which 'tis plain, that they were resolved right or wrong to have my Life.

That they designed not to Try but to *Convict* me is as plain; for they refused positively to allow me Counsel to such Matters of Law, as was never refused to any before; and though I caused several Statutes to be read, some to prove that there must be two Witnesses at least to the Fact; others, that though there had been two, as there was not one, yet positively declared that it was not Treason: Nay, the very last Session of Parliament was it enacted, That the Printer of Seditious and Treasonable Books should for the *first* Offence be punished no otherwise than not to follow his Trade for three years, and for the *second* Offence never to follow it more, and such farther Punishment as seemed fit to the Court, *not extending to Life or Limb*. Now though mine (had it been proved) had but been the *first*, yet you see contrary and in direct opposition to the Law, they make it High Treason: And when the Jury could not agree to find me Guilty, and came down to ask the Court, Whether the finding these Things there, and supposing them to be mine, since it could not be prov'd that I printed these Books, or had made any use of them, could affect my Life? I say, when the Jury asked this Question, and the Lord Chief Justice *Treby* told them

' them positively, *No, it did not* ; yet withal he told them, *That*  
 ' *that was not their Business, their Business was to find me Guilty of Prin-*  
 ' *ting* : And while they stay'd, the Court frown'd upon them to that  
 ' degree, that the Foreman told them, he was not to be frighted ;  
 ' upon which they publickly reviled them, calling them, *ill Men,*  
 ' *ill Subjects, and a Pack of Knaves* ; and so terrified them into a Com-  
 ' pliance. That this is true, those who were near know too well,  
 ' although the partial Writer of the Tryals hath most perfidiously  
 ' published not only an unfair, imperfect, and lame Account, but  
 ' hath also stuff'd it with down-right Untruths and Falshoods, and  
 ' left out whatsoever made for me ; not so much as mentioning the  
 ' Contradictions of the Witnesses in what they did swear, their  
 ' swearing to some things that made for me, and when I took hold  
 ' of them they denied them, nor hath he in the least told the World  
 ' of the Judge's over-ruling whatsoever I offered, without giving any  
 ' other Answer than that *it should be so because they would have it so* ;  
 ' with many other such things, which the conscientious Auditors  
 ' can testify.

' And now I pray consider where is this Liberty and Property ?  
 ' where the Rights and Privileges of the Subject ? Nay, where the  
 ' very Laws themselves ? And consequently where is the Security of  
 ' any Man ? Why, even in the Deliverers Pockets, where your Mo-  
 ' ney is, and where also without all doubt, if you look not well to  
 ' your selves, your Estates e're long will be likewise. What are the  
 ' Proceedings but Arbitrary in a superlative Manner, and such as no  
 ' Reign ever produced before ? These were they you were hereto-  
 ' fore only afraid of, being jealous without just Cause ; but now you  
 ' see them actually come upon you. I hope you your selves will  
 ' put a stop to them, by laying these Proceedings before the Par-  
 ' liament, for had it been Sitting at this present these Proceedings  
 ' durst not have been practis'd ; and I pray God to put so speedy an  
 ' end to them, that as I am the first, so I may be the last that  
 ' may suffer by them.

‘ I have hitherto lived a Member of the Orthodox Church of *England* as by Law established, and I declare I now die in the Unity  
 ‘ of the same: Therefore, according to its Discipline, I hold my self  
 ‘ obliged to ask Pardon of the whole World, of every particular  
 ‘ Person whom I have any ways offended; and I do freely and sincerely  
 ‘ forgive every one that has offended me, particularly my  
 ‘ most false and perjured Witnesses, and among them more particularly  
 ‘ *ROBIN STEPHENS*, my most unjust and unrighteous Judges,  
 ‘ and my repenting Jury; and I pray God may not lay this their  
 ‘ Sin of wilful Murther to their Charge at the General Bar, where  
 ‘ they shall appear as Criminals, and not Judges.

‘ May the Almighty bless, preserve, prosper and restore our Sovereign  
 ‘ Lord King *James*, to the just Possession of his indubitable Law-  
 ‘ ful Crowns; strengthen him that he may vanquish and overcome  
 ‘ all his Enemies here on Earth, and crown him with eternal Glory  
 ‘ hereafter: And that he may never want Heirs to inherit his Crown,  
 ‘ bless I beseech thee, O God, his Royal Highness the Prince of *Wales*,  
 ‘ and give him such a numerable Issue, that there may never want  
 ‘ one of his Loins to sway the Scepters of these Kingdoms so long as  
 ‘ Sun or Moon endure. *Amen. Amen.*

*June 15. 1693.*

*William Anderton.*

Several sorts of Men have their several Objections against this poor  
 Man's Speech, which he wrote the day before he dyed, between the  
 hours of Eight and One, being fourteen times interrupted in the  
 Writing of it, and forced to convey a Copy of it through a Key-  
 hole to a Friend, lest it should be taken from him. Some com-  
 plain, That *he did not pray for the Queen*; but these surely forget  
 what Man they have to do with. Formerly in such cases Men used  
 to pray for their King; and when they were acquitted used to say,  
 God

*God bleſs the King*, without any further Notice of other Perſons, unleſs there were particular Reaſon for it: But ſince a *joint Regency* hath been ſet up, it hath followed in courſe that they pray'd for the King and Queen; but he was a Man who would not countenance this, or take any Notice of it, and therefore uſed the old form and way, not caring who excepted againſt it. But if any Honourers of their Queen by miſtake except theſe, they may know, that he honoured her as much as they; and doubtleſs ſhe will believe no leſs of him, who prayed ſo heartily for the Prince of *Wales*, the Son of her Womb, his Majeſties care, and all their good Subjects hopes.

Others alledge, that it hath too much Levity in it for the Speech of a dying Man, and for that reaſon quarrel with the word *Kidnaping* in it, and that is the very term now by all uſed, and by which all Men expreſs and underſtand the Faſt ſignified by it; and he that would ſpeak to be underſtood by all, ſhould ſpeak in the Language uſed by all: when Words are new and freſh, they carry along with them ſomewhat of the lightneſs, quaintneſs, or other particular Humour or Quality of the firſt Deviſer, but when they are once appropriated and naturalized by uſe, that Humour is loſt, and they become in ſome meaſure neceſſary; and he that will find fault with a Man for ſpeaking as other Men do, perhaps will find in the End, that more will find fault with him.

On the quite contrary, there are others who are as much diſpleaſed with the Sharpneſs and Severity of it; ſo difficult a matter it is to pleaſe all Palats. But this is only in that part of his Speech, where his ſubject matter plainly engaged him to ſpeak ſomewhat after that manner; and therefore the Objectors ought to conſider, that there are ſome things in their own Nature ſo harſh and ungrateful, that a Man cannot mention them without ſeeming to grate or bite; but then how Evil and Severe are thoſe things themſelves? And if a Man muſt neceſſarily ſpeak of ſuch Matters, they ought to lay the blame on the things, which extort from a Man ſuch ſeverity of Language, not on the Man, who ſpeaks properly and according



cording to the nature of the things, which was always esteemed a Virtue and Commendation. Some Persons can find fault with the Excellencies of a Man, as I remember it was one Objection against Mr. *Ashton's* Paper, that he *reasoned too logically*: the same Crime I am apt to think will never be objected to him, who pick'd the quarrel. Were any of these smooth Men to suffer in the same manner with such kind of Justice as Mr. *Anderton* had, perhaps it might set their Tongues and Pens on edge to speak and write as severe Truth as he did.

There are others, who employ time, which might be better spent in seeking or making Exceptions against this brave Man; But I will leave them with *Trinculo* to mutiny by themselves; I wish all of them had seen him and conversed with him in the time of his Confinement; they then would rather have admired him, than disparaged him; a Man upon whom the Terrours of Death made no Impression; no Man that came to him could ever discover any the least sign of fear, or perturbation of Mind in him, but found him always in the same sweet even temper, excepting only in his Devotions and Exercises of Religion, wherein he was very fervent and vehement, as pouring out all his Soul to his God. To carp and cavil is no hard matter, but to die is not so very easie; and I hope I shall be thought to make no ill Wish, if I wish that those who are so ready to censure, may be able to make as brave and as Christian an End, as this poor Man did, who is persecuted both living and dead.

During the time that the *Ordinary* busied himself, he was observed not to mind him, but to imploy himself in his private Devotions, and after the Delivery of his Speech to the Sheriffs, his Cap pulled over his Eyes ready for Execution, he prayed thus;  
 ' Most great and most merciful Lord God! do thou look down upon  
 ' me thy poor unworthy Servant in this hour of my great extremi-  
 ' ty, and have Mercy upon me. Sweet Jesus, receive my Soul  
 ' into thine everlasting Kingdom, for into thy hands do I commend  
 ' my

' my Spirit, because thou hast redeemed it, O Lord God of Truth!  
 ' Come Lord Jesus, and receive my pretious Soul, Father of Mer-  
 ' cy have mercy upon me ; O God the Son, Redeemer of the  
 ' World, have mercy upon me ; Lord, comfort and support my  
 ' Soul in these my last Minutes, come sweet Jesus, come quickly,  
 ' and save me sweet Jesus by thy most pretious Blood, by thy Ago-  
 ' ny and bloody Sweat, and by the coming of the Holy Ghost,  
 ' O Lord, do thou deliver me. Here the *Ordinary* put in saying,  
 you must give a sign when you are ready ; whereupon the She-  
 riffs charged him not to interrupt them ; and as he was proceed-  
 ing his Sister desired to speak to him, which was granted ; who kis-  
 sing him and weeping over him said, *be of good comfort though*  
*there is no Pardon for you here yet there is above.* So when they had  
 taken a Christian leave of each other, he returned to his Devotions,  
 when after a short patheticall Prayer constantly calling upon his Sa-  
 viour the Cart drove away. His Body was conveyed to a House  
 near, till the dusk of the Evening, and then brought to Town, both  
 for quietness sake and to prevent giving Offence ; but as privately  
 as it was done, that Blood-hound *Stephens* pursu'd him dead, and  
 was observed to walk several times by the House, and to give notice  
 to the Mob ; so that he who was designed to have been stollen to  
 his Grave by a few Friends late in the night, was follow'd by a  
 very numerous Train, but without any manner of Incivility, and  
 now lies interr'd in little *S. Bartholomew's* Church-yard, expecting a  
 joyful Resurrection, and the coming of the righteous Judge, before  
 whom *William* and *Mary*, *Anderton* and *Treby* shall appear without  
 any other difference or respect, than what their Sins or their Vir-  
 tues shall make ; and from whom they shall receive according to  
 what they have done in the flesh, be it good or evil.

F I N I S.